

How Iryna's Law Is Reshaping Our Courts and Jails

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Overview

- Iryna's Law
- Pretrial release
- Other provisions
- Jail impacts

Iryna's Law

Iryna's Law

- August 2025: Iryna Zarutska fatally stabbed on Charlotte light rail
 - Defendant was on pretrial release for a misdemeanor charge
 - History of criminal and mental health issues
- October 2025: H 307, “Iryna’s Law,” signed into law

Iryna's Law

- New pretrial release rules
- New aggravating factors
- Revised death penalty procedures
- Studies of mental health and the justice system

Pretrial Release

Revised Pretrial Release Rules

- Generally effective for “persons appearing before a judicial official for the determination of pretrial release conditions” on or after December 1, 2025

Revised Pretrial Release Rules

- “Written promise” eliminated as a type of release
- When determining conditions of release, a judicial official (generally a magistrate or judge) must direct the arresting officer, a pretrial services program, or a district attorney to provide a criminal history report
- Judicial official must consider:
 - Criminal history
 - Housing situation

Revised Pretrial Release Rules

- Other factors a judicial official must consider:
 - The nature and circumstances of the offense charged
 - The weight of the evidence against the defendant
 - The defendant's family ties, employment, financial resources, character, and mental condition
 - Whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision
 - The length of his residence in the community
 - History of flight to avoid prosecution or failure to appear at court proceedings
 - Any other evidence relevant to the issue of pretrial release.

Limitations on Release: Criminal History

- If defendant has convictions for three or more offenses (Class 1 misdemeanor or higher) in separate sessions of court within the previous 10 years, judicial official must impose
 - **Secured bond, or**
 - **Electronic House Arrest (EHA) with a secured bond**

Limitations on Release: Violent Offenses

- First of all, what's a “violent offense”?
 - Any Class A–G felony that includes assault or the use or threat of physical force against a person as an element
 - Any felony offense requiring sex offender registration
 - Any offense listed in G.S. 15A-533(b)
 - Other specifically enumerated offenses
 - Includes Possession of Firearm by Felon, misdemeanor stalking
 - An attempt to commit any of those offenses

Limitations on Release: Violent Offenses



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Iryna's Law and Pretrial Release

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Appendix A. Violent Offenses Under

<https://www.sog.unc.edu/publications/bulletins/irynas-law-and-pretrial-release>

Limitations on Release: Violent Offenses

Appendix A. Violent Offenses Under G.S. 15A-531(9)

Offense	Class A–G felony involving assault or use of physical force as an essential element	Felony requiring sex offender registration	Offense listed in G.S. 15A-533(b)	Otherwise specifically enumerated
G.S. 14-16.6(b)–(c): Assault on executive, legislative, court, or local elected officers	•			
G.S. 14-17: Murder in the first and second degree			•	•
G.S. 14-18: Voluntary manslaughter	•			
G.S. 14-18.4: Death by distribution				•
G.S. 14-23.2(a)(1)–(a)(2): Murder of an unborn child	•			
G.S. 14-23.3: Voluntary manslaughter of an unborn child	•			
G.S. 14-23.5: Assault inflicting serious bodily injury on an unborn child	•			
G.S. 14-27.21: First-degree forcible rape	•	•	•	
G.S. 14-27.22: Second-degree forcible	•	•	•	

Limitations on Release: Violent Offenses

- If charged with a violent offense:
 - “[T]here shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community.”
- If the presumption is overcome, special rules apply:
 - First violent offense: **secured bond** or **EHA with secured bond**
 - Second/subsequent violent offense: **EHA with secured bond**

Who Can Set Conditions?

Figure 1. Magistrates' Authority to Set Conditions of Release for Violent Offenses

- ✓ Any Class A–G felony that includes assault, the use of physical force against a person, or the threat of physical force against a person as an essential element of the offense.
- ✓ Any felony offense requiring registration as a sex offender.
- ✗ An offense under G.S. 14-17 and any other offense listed in G.S. 15A-533(b). **JUDGE ONLY**
- ✓ An offense under G.S. 14-18.4, 14-34.1, 14-51, 14-54(a1), 14-202.1, 14-277.3A, or 14-415.1, or an offense under G.S. 90-95(h)(4c) that involves fentanyl.
- ✓ Attempts to commit any of the listed offenses.

Limitations on Release

- For both types of defendants (violent offenses and 3x prior offenses), bond must remain secured for duration of the case
- No exceptions for special circumstances

Requirement for IVC Exam

- G.S. 15A-533(b1): Requires judicial official to order initial IVC exam for certain defendants:
 - Charged with violent offense and has IVC in prior 3 years
 - Charged with any offense and danger to self or others
- Provision has twice been delayed
 - December 1, 2025 → December 1, 2026 → July 1, 2028
 - See S.L. 2026-38 (H 1104)

Other Provisions

New Aggravating Factors

- Noncapital:
 - G.S. 15A-1340.16(d)(19c) The offense was committed by the defendant while the victim was using a public transportation system as defined in G.S. 160A-601.
- Capital:
 - G.S. 15A-2000(e)(12) The capital felony was committed by the defendant while the victim was using a public transportation system as defined in G.S. 160A-601.
- G.S. 160A-601: “Public transportation system” means, without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, railroads, and railroad rights-of-way.

Death Penalty Proceedings

- Requires N.C. Supreme Court review within 24 months of sentencing
- Requires Motions for Appropriate Relief in capital cases to be heard within 24 months of filing
- If NC method of execution declared unconstitutional or is unavailable, directs N.C. Department of Adult Correction to select another method adopted by another state

Studies



- Intersection of mental health in the justice system for both adults and juveniles
- Availability of house arrest as a condition of pretrial release
- Innovation in the Initial Response to Behavioral Health Crises in North Carolina

S.L 2026-38 (H 1104)

- Improving IVC process and capacity restoration programs
- Changes to capacity restoration process
- More studies
 - IVC process: Comprehensive evaluation and recommendations for improvement
 - Behavioral health and telehealth in jails
- Delayed Iryna's Law requirement to initiate IVC through pretrial release (12/1/2025 → 12/1/2026 → 7/1/2028)

Impacts on Jails

Iryna's Law: Jail Impacts

- Who is in the jails?

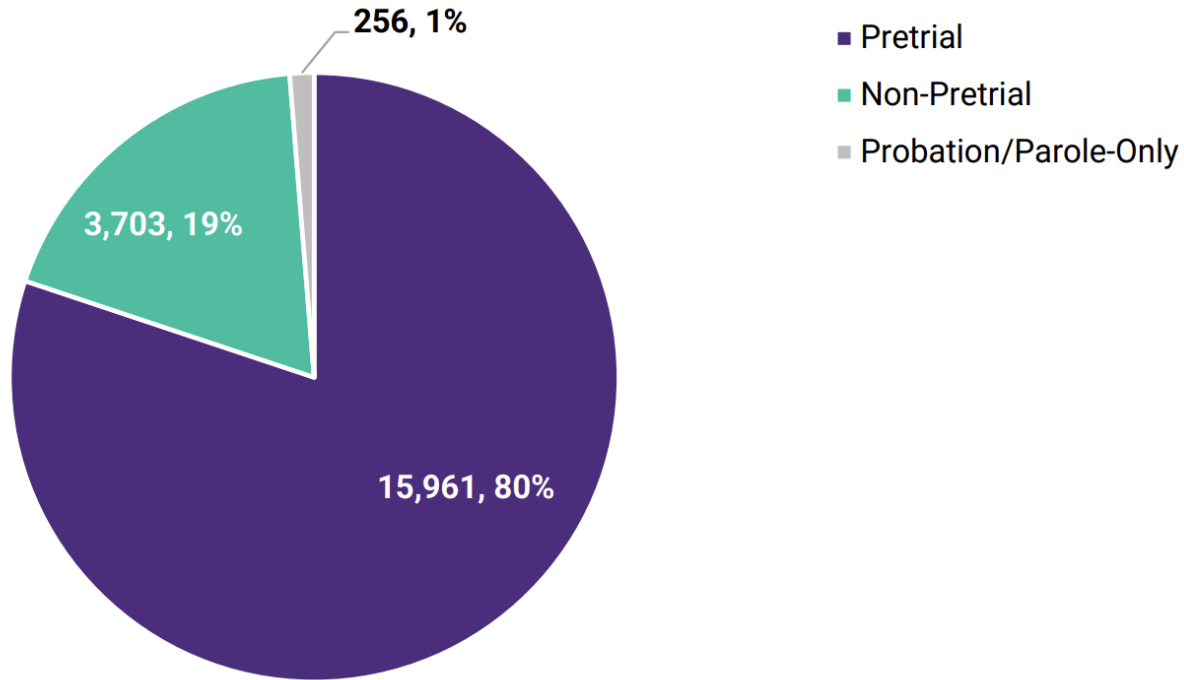
Jail Population

- Total state jail population: ~18,000

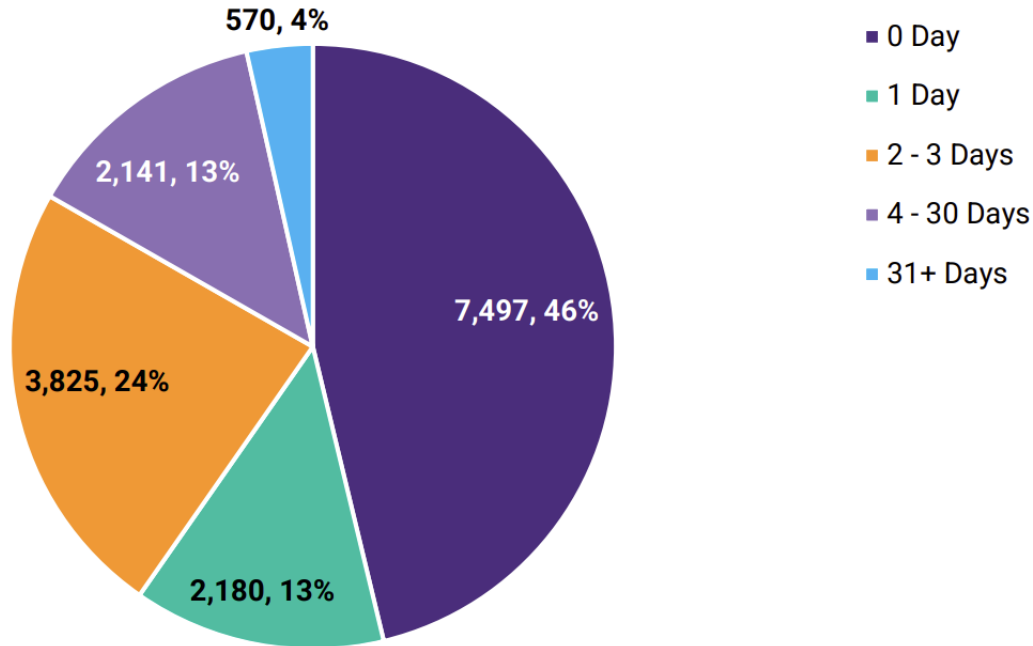
Jail Population

- Pretrial detainees
- Sentenced inmates
 - Active
 - Statewide Misdemeanant Confinement Program
 - Probation days (“split sentences” and “quick dips”)
- Contempt of court
- Inmates housed by contract or agreement

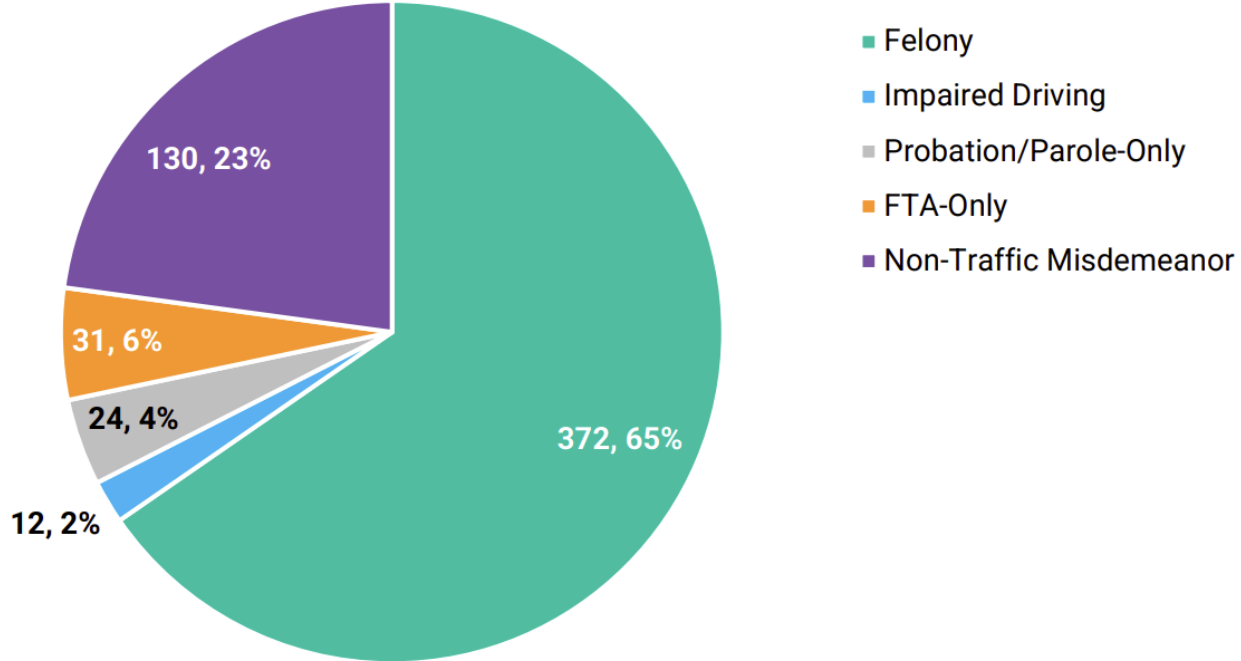
Jail Population



Jail Population: Length of Stay



Jail Population: Most Serious Charge



Most Common Felony Convictions

- Possession firearm by felon 9%
- Possession of meth 8%
- Possession of opiates 4%
- Breaking/entering 4%
- Larceny 4%
- Possession of cocaine 2%

Most Common Sentence: Prison Population?

- Murder/attempted murder 22%
- Sexual assaults 14%
- Habitual felons 11%
- Drug trafficking 10%
- Serious assaults/firearm 10%
- Robbery 5%
- Non-trafficking drugs 5%

Iryna's Law: Jail Impacts

- Defendants charged with violent offenses must overcome rebuttable presumption
- Iryna's Law requires secured bonds or secured bonds with EHA for more categories of arrestees

House Arrest with Electronic Monitoring

- “No later than [December 1, 2025], each judicial district that does not already have the capability of imposing house arrest with electronic monitoring under G.S. 15A-534(a)(5) shall enter into a Memorandum of Agreement with a qualified vendor to provide such services. A defendant released with the condition of house arrest with electronic monitoring shall be responsible for paying for the services provided by the qualified vendor.”

House Arrest with Electronic Monitoring

Pretrial Electronic Monitoring in North Carolina After Iryna's Law

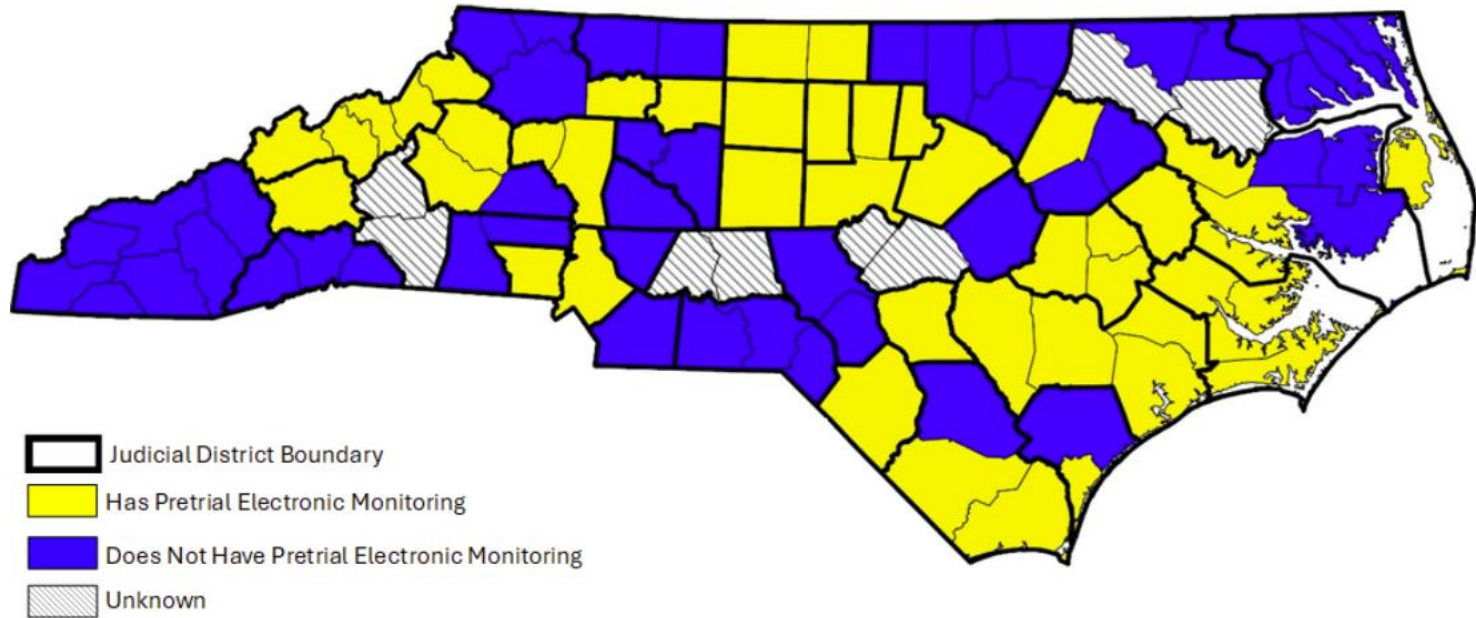
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Introduction

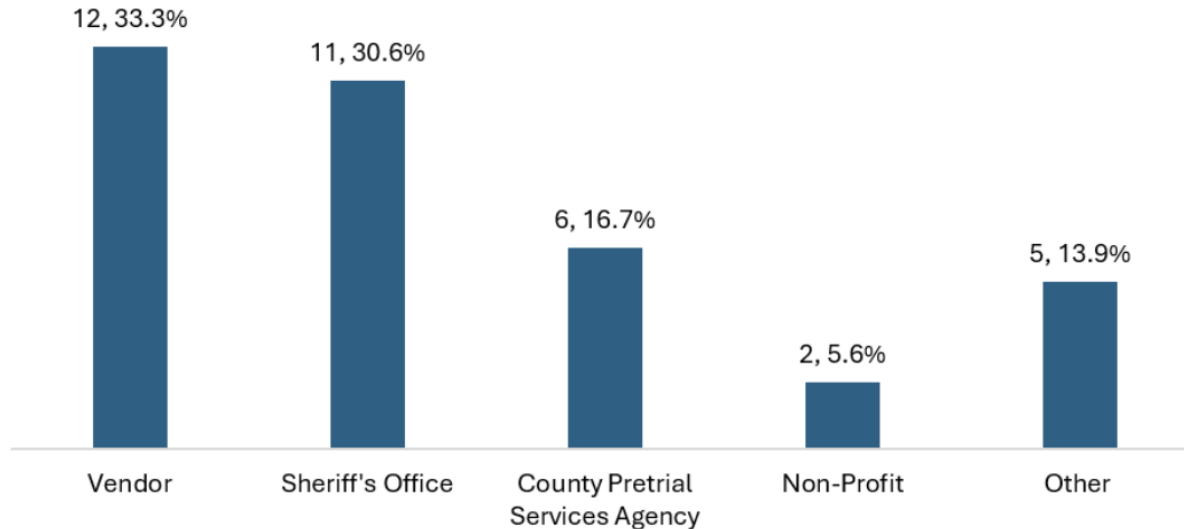
In October 2025, the North Carolina General Assembly passed [Session Law 2025-93](#) (H.B. 307), also known as “Iryna’s Law.” The legislation made a number of changes to criminal proceedings including several related to pretrial release.¹ This briefing paper focuses on pretrial electronic

House Arrest with Electronic Monitoring



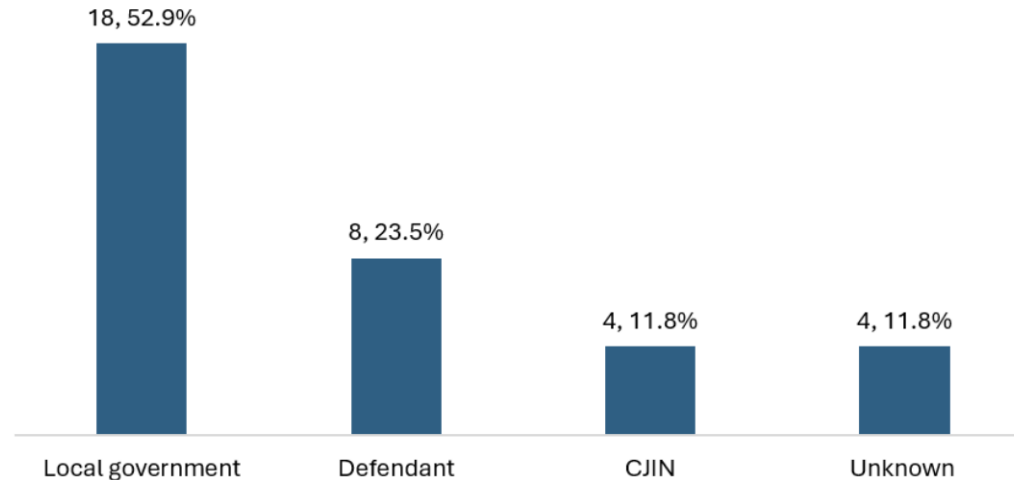
House Arrest with Electronic Monitoring

Figure 2. Entity Responsible for Day-to-Day Supervision of Individuals on Pretrial Electronic Monitoring



House Arrest with Electronic Monitoring

Figure 3. Funding Sources for Day-to-Day Operation of Pretrial Electronic Monitoring

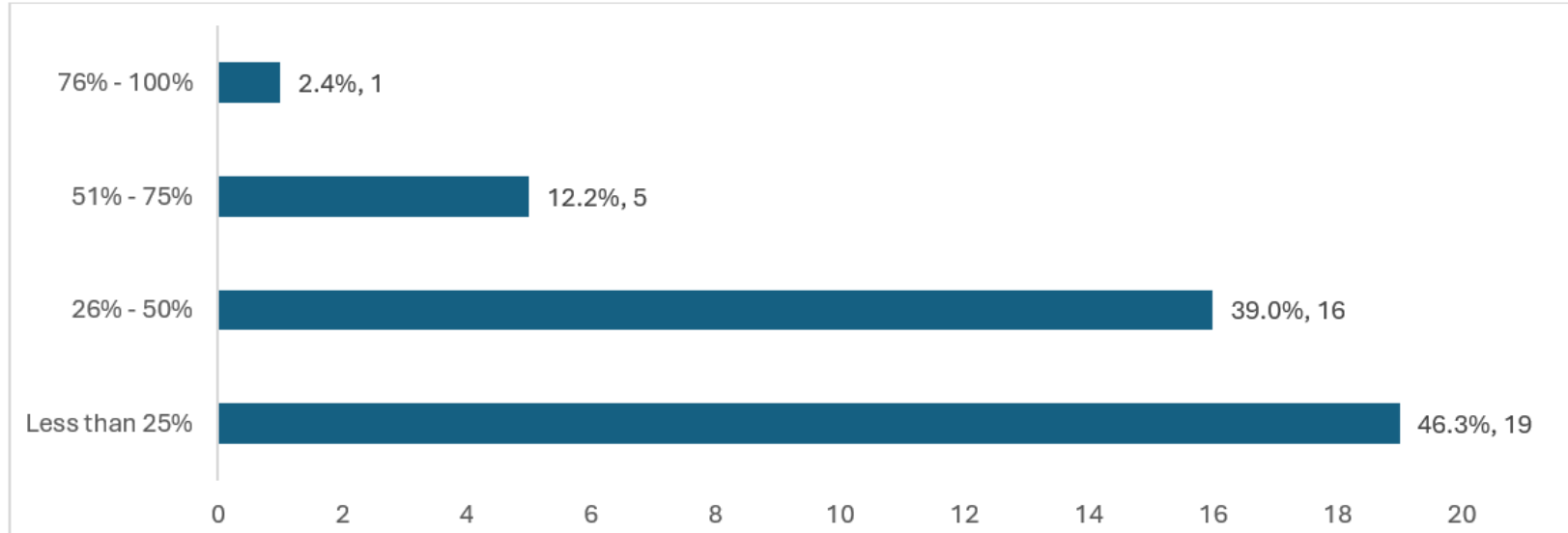


Iryna's Law: Jail Impacts

- Requirements to provide medical and mental health care

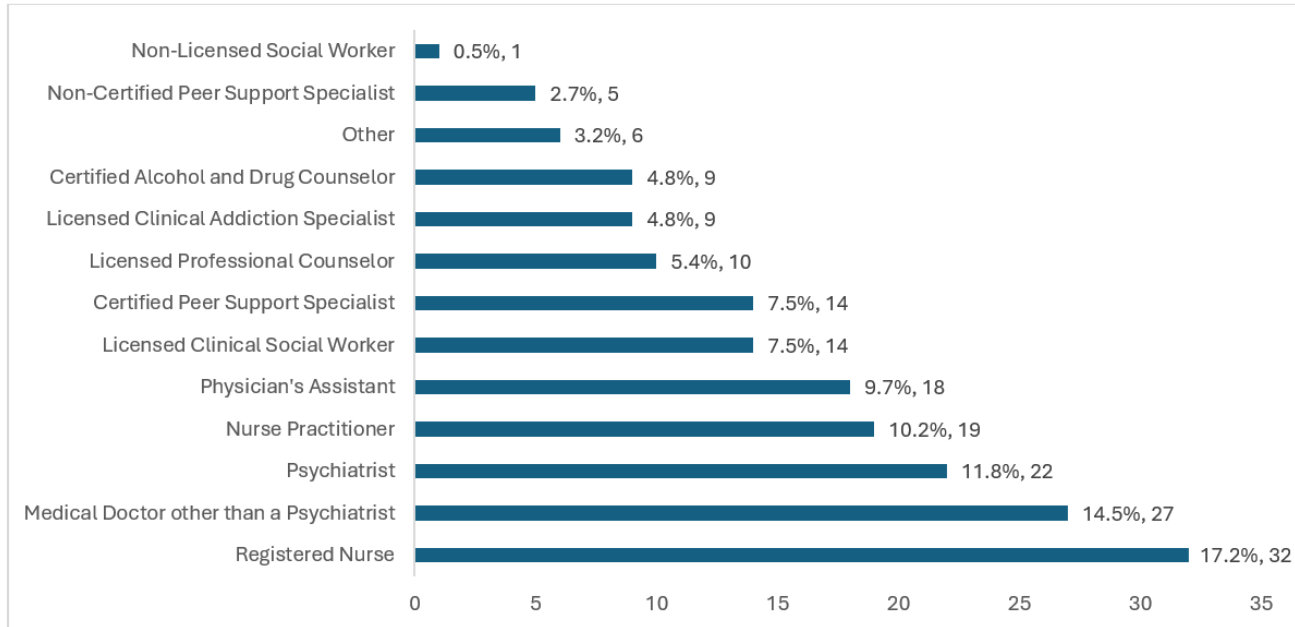
Iryna's Law: Jail Impacts

Approximately what percentage of individuals in the jail population are "flagged" by the screening tool as requiring additional assessment or treatment for mental health concerns?



Iryna's Law: Jail Impacts

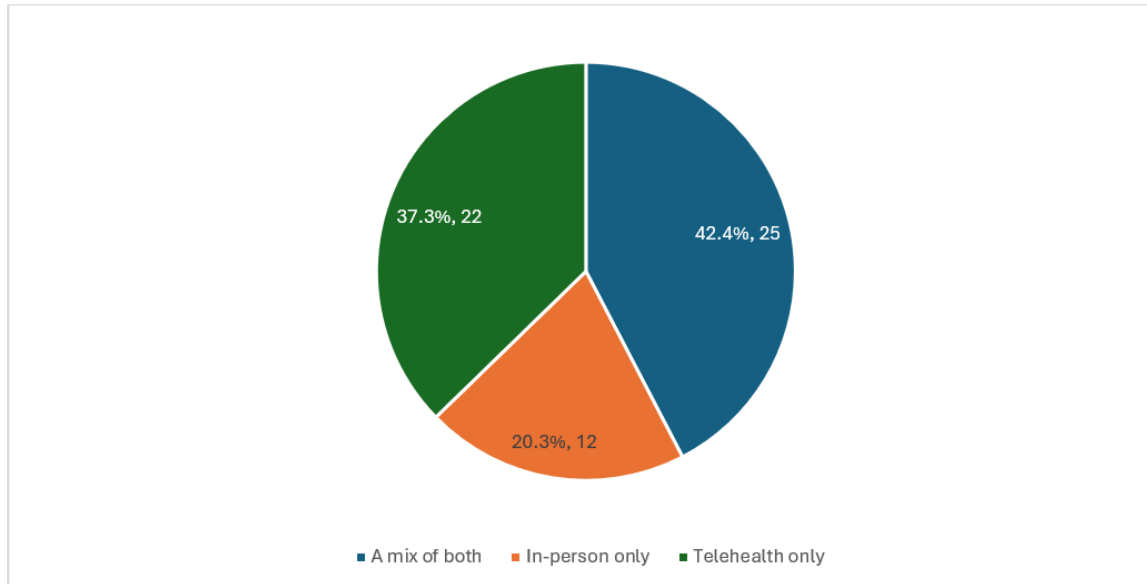
Which of the following professionals are employed, either on a part-time or full-time basis, to provide mental health services in the jail? Please select all that apply.



Iryna's Law: Jail Impacts

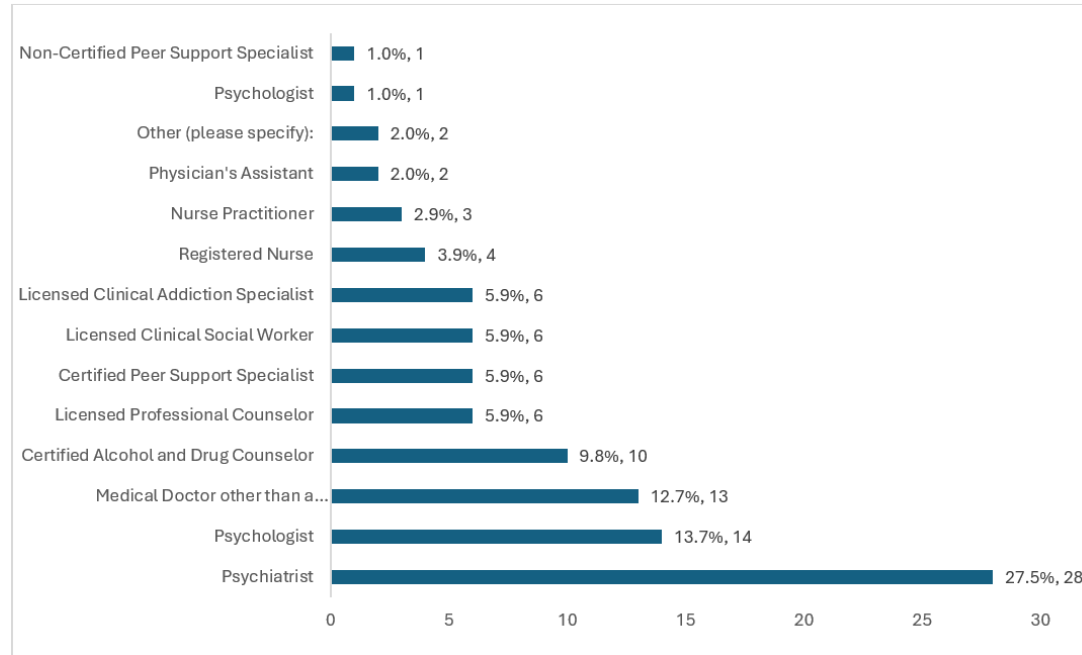
Does the clinical staff provide services only in person, only via telehealth, or a mix of both in-person and telehealth?

Psychiatrists and Other Medical Doctors



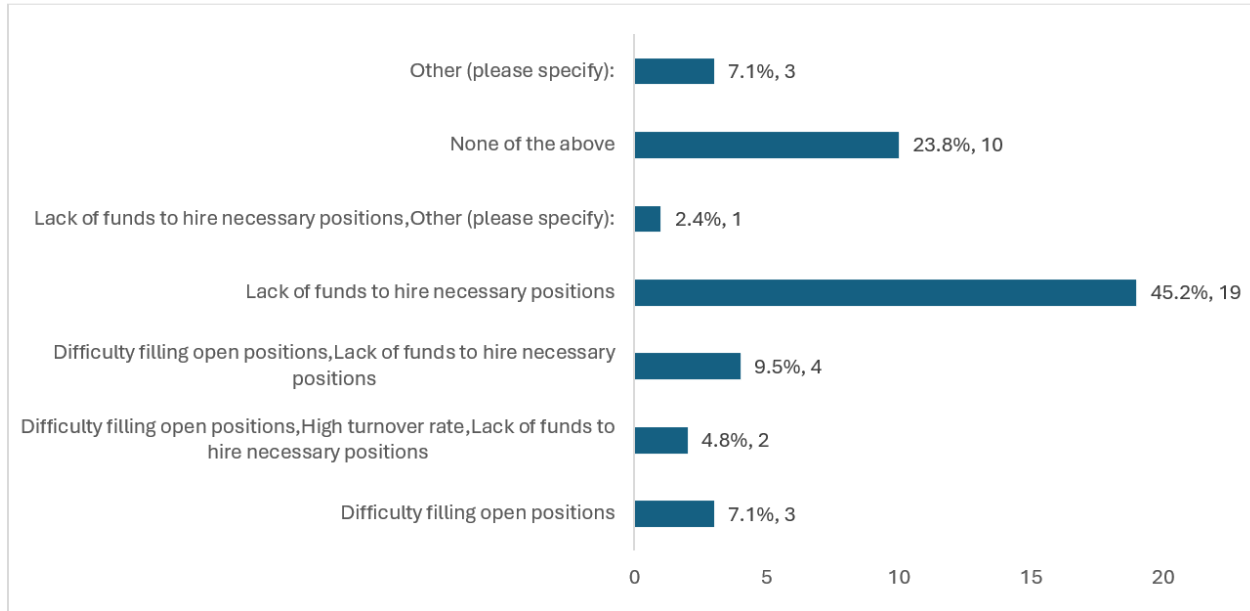
Iryna's Law: Jail Impacts

If resources were not a concern, which professionals would you prioritize hiring to provide mental health services in your jail? Please select up to three.



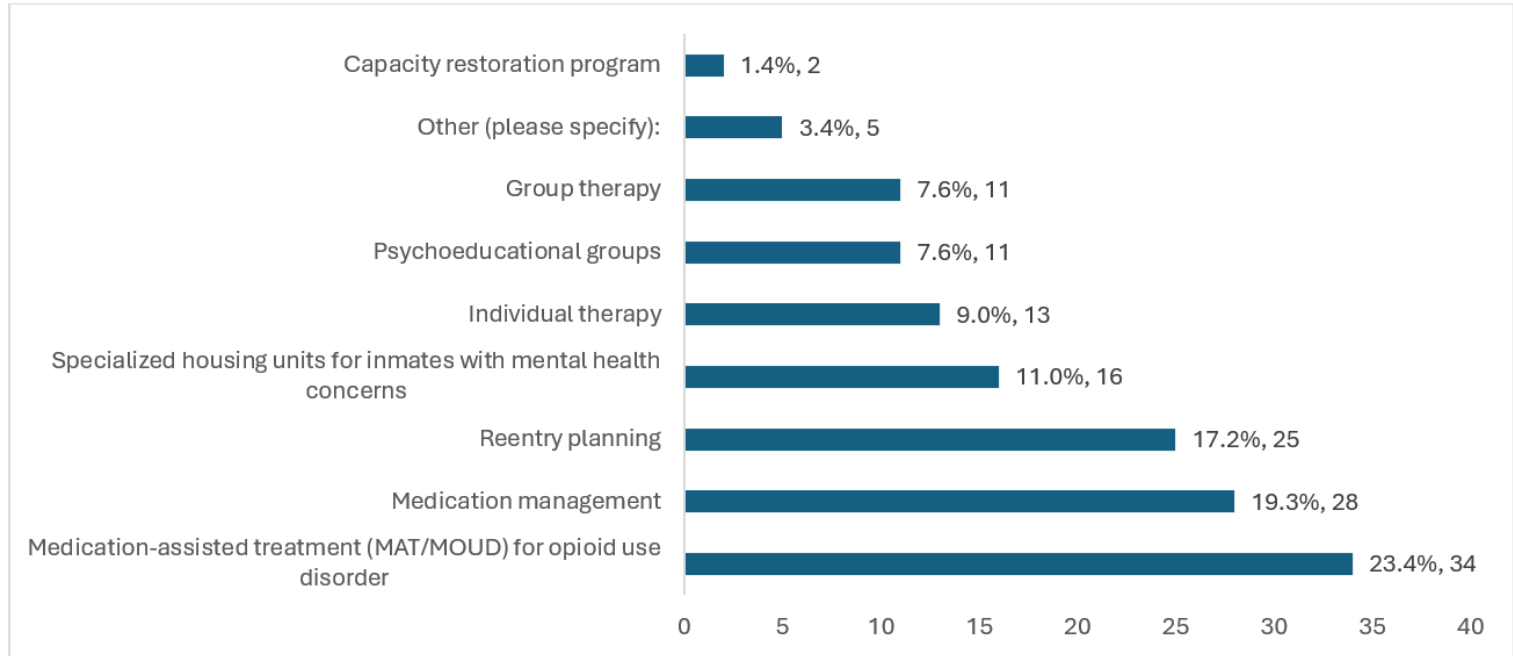
Iryna's Law: Jail Impacts

What, if any, challenges do you face with staffing mental health professionals in the jail? Please select all that apply.



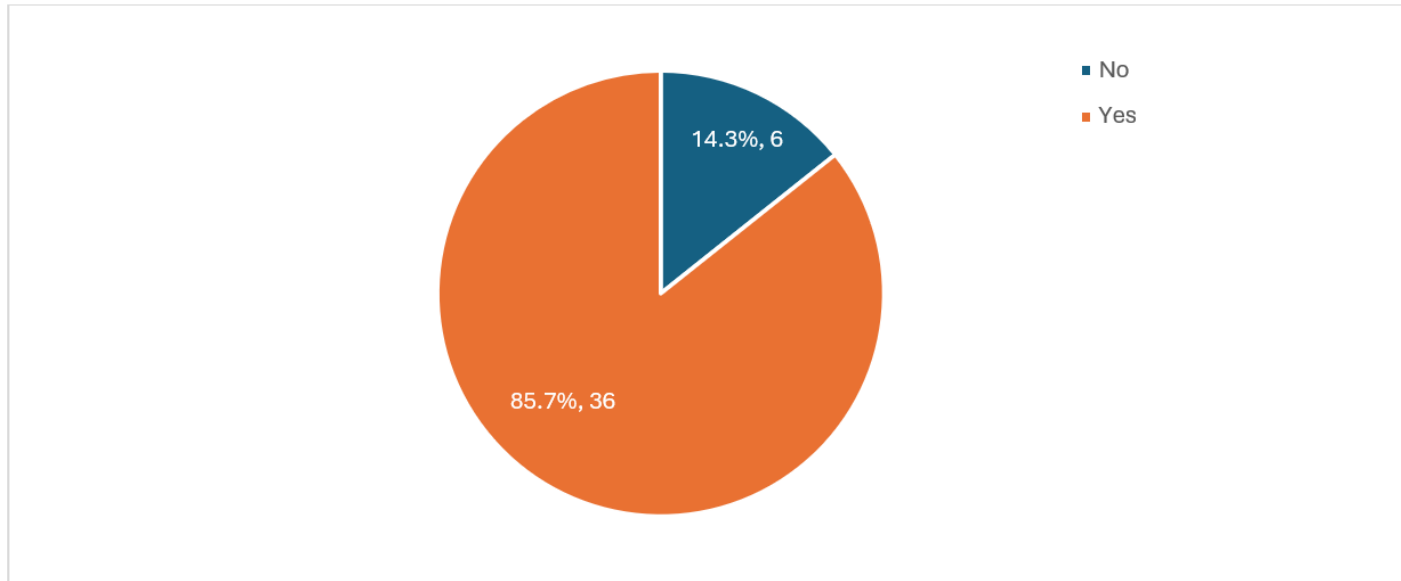
Iryna's Law: Jail Impacts

Which of the following services are available in the jail? Please select all that apply.



Iryna's Law: Jail Impacts

Does your jail regularly hold individuals who are waiting for state evaluations to determine capacity to proceed?



Iryna's Law: Jail Impacts

- Explore possible expansion of the safekeeper program
 - Transferring jail inmates to state custody for medical, security, or safety reasons
 - Currently limited to 200 inmates at any given time

Conclusion

Conclusion

- Many challenges for the court system and the sheriffs' offices
 - Second-order effects starting to appear
- Ongoing studies may inform further refinements

Questions?



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